

# Senate Study Bill 3139 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

## A BILL FOR

1 An Act relating to the licensure of naturopathic physicians.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2014,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician  
5 and surgeon, naturopathic physician, physician assistant,  
6 psychologist, chiropractor, nurse, dentist, dental hygienist,  
7 dental assistant, optometrist, speech pathologist, audiologist,  
8 pharmacist, physical therapist, physical therapist assistant,  
9 occupational therapist, occupational therapy assistant,  
10 orthotist, prosthetist, pedorthist, respiratory care  
11 practitioner, practitioner of cosmetology arts and sciences,  
12 practitioner of barbering, funeral director, dietitian, marital  
13 and family therapist, mental health counselor, social worker,  
14 massage therapist, athletic trainer, acupuncturist, nursing  
15 home administrator, hearing aid dispenser, or sign language  
16 interpreter or transliterator means a person licensed under  
17 this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,  
19 osteopathic medicine and surgery, naturopathic medicine,  
20 practice as a physician assistant, psychology, chiropractic,  
21 nursing, dentistry, dental hygiene, dental assisting,  
22 optometry, speech pathology, audiology, pharmacy, physical  
23 therapy, physical therapist assisting, occupational therapy,  
24 occupational therapy assisting, respiratory care, cosmetology  
25 arts and sciences, barbering, mortuary science, marital  
26 and family therapy, mental health counseling, social work,  
27 dietetics, massage therapy, athletic training, acupuncture,  
28 nursing home administration, hearing aid dispensing, sign  
29 language interpreting or transliterating, orthotics,  
30 prosthetics, or pedorthics.

31 Sec. 2. Section 147.2, subsection 1, Code 2014, is amended  
32 to read as follows:

33 1. A person shall not engage in the practice of medicine  
34 and surgery, naturopathic medicine, podiatry, osteopathic  
35 medicine and surgery, psychology, chiropractic, physical

1 therapy, physical therapist assisting, nursing, dentistry,  
2 dental hygiene, dental assisting, optometry, speech pathology,  
3 audiology, occupational therapy, occupational therapy  
4 assisting, orthotics, prosthetics, pedorthics, respiratory  
5 care, pharmacy, cosmetology arts and sciences, barbering,  
6 social work, dietetics, marital and family therapy or mental  
7 health counseling, massage therapy, mortuary science, athletic  
8 training, acupuncture, nursing home administration, hearing aid  
9 dispensing, or sign language interpreting or transliterating,  
10 or shall not practice as a physician assistant, unless the  
11 person has obtained a license for that purpose from the board  
12 for the profession.

13 Sec. 3. Section 147.13, subsection 1, Code 2014, is amended  
14 to read as follows:

15 1. For medicine and surgery, osteopathic medicine and  
16 surgery, ~~and acupuncture,~~ and naturopathic medicine, the board  
17 of medicine.

18 Sec. 4. Section 147.74, Code 2014, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 23A. A naturopathic physician licensed  
21 under chapter 148G may use the words "naturopathic physician",  
22 "naturopathic doctor", "doctor of naturopathy", "naturopathic  
23 medical doctor", "doctor of naturopathic medicine",  
24 "naturopath" or the initials "N.D." or "N.M.D." after the  
25 person's name.

26 Sec. 5. Section 147.107, Code 2014, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 8A. A licensed naturopathic physician  
29 may prescribe all substances and devices consistent with the  
30 level of training of the naturopathic physician unless added  
31 to the exclusionary naturopathic formulary by the naturopathic  
32 advisory council.

33 Sec. 6. Section 148E.3, subsection 1, Code 2014, is amended  
34 to read as follows:

35 1. A person otherwise licensed to practice medicine and

1 surgery, osteopathic medicine and surgery, naturopathic  
2 medicine, chiropractic, podiatry, or dentistry who is  
3 exclusively engaged in the practice of the person's profession.

4 Sec. 7. NEW SECTION. 148G.1 Definitions.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "*Approved naturopathic medical program*" means any of the  
8 following:

9 a. A naturopathic medical education program in the  
10 United States providing the degree of doctor of naturopathy  
11 or doctor of naturopathic medicine. Such program shall  
12 offer graduate-level, full-time didactic and supervised  
13 clinical training and shall be accredited, or shall have  
14 achieved candidacy status for accreditation by the council  
15 on naturopathic medical education or by an equivalent  
16 federally recognized accrediting body for naturopathic medical  
17 programs also recognized by the board. Additionally, the  
18 program shall be an institution, or part of an institution of  
19 higher education that is either accredited or is a candidate  
20 for accreditation by a regional or national institutional  
21 accrediting agency recognized by the United States secretary  
22 of education.

23 b. A diploma-granting, degree-equivalent college or  
24 university in Canada that offers graduate-level, full-time  
25 didactic and supervised clinical training and is accredited, or  
26 has achieved candidacy status for accreditation by the council  
27 on naturopathic medical education or an equivalent federally  
28 recognized accrediting body for naturopathic medical programs  
29 also recognized by the board; and the college or university  
30 has provincial approval for participation in government-funded  
31 student aid.

32 2. "*Board*" means the board of medicine established in  
33 section 147.13.

34 3. "*Director*" means the executive director of the board of  
35 medicine.

1     4. "*Exclusionary naturopathic formulary*" means the  
2 exclusionary list of medicines, nonprescription and  
3 prescription, which naturopathic physicians may not use in the  
4 practice of their profession, as determined by the naturopathic  
5 advisory council.

6     5. "*Minor office procedures*" means methods for the repair  
7 and care incidental to superficial lacerations and abrasions,  
8 superficial lesions, and the removal of foreign bodies located  
9 in the superficial tissues.

10    6. "*Naturopathic advisory council*" means the naturopathic  
11 advisory council established under this chapter.

12    7. "*Naturopathic medicine*" means a system of primary health  
13 care for the prevention, diagnosis, and treatment of human  
14 health conditions, injury, and disease, and the promotion or  
15 restoration of health. "*Naturopathic medicine*" includes the use  
16 of physiological, psychological, or mechanical methods, and the  
17 use of natural medicines, prescription or legend drugs, foods,  
18 herbs, or other natural remedies.

19    8. "*Naturopathic physician*" means a practitioner of  
20 naturopathic medicine who has been properly licensed for that  
21 purpose by the board of medicine under this chapter, who may  
22 diagnose, treat, and help prevent diseases using a system  
23 of practice that is based on the natural healing capacity  
24 of individuals, and may use physiological, psychological,  
25 or mechanical methods, and may use natural medicines,  
26 prescription, or legend drugs, foods, herbs, or other natural  
27 remedies.

28    9. "*Prescription drug*" means any drug described in section  
29 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C.  
30 §353, if its label is required to bear the symbol "RX only".

31    Sec. 8. NEW SECTION. **148G.2 Licensure — naturopathic**  
32 **medicine.**

33    1. *Qualifications for licensure.* An applicant for a license  
34 to practice naturopathic medicine shall be granted a license  
35 by the board if the applicant satisfies all of the following

1 requirements:

2     *a.* Submits an application for licensure designed and  
3 approved by the naturopathic advisory council.

4     *b.* Pays an application fee established by the board.

5     *c.* Has graduated from an approved naturopathic medical  
6 program.

7     *d.* Has passed a competency-based national naturopathic  
8 licensing examination administered by the north American board  
9 of naturopathic examiners or successor agency, that has been  
10 nationally recognized to administer a naturopathic examination  
11 representing federal standards of education and training. For  
12 applicants who completed an approved naturopathic medical  
13 program located in Canada, eligibility for licensure may be  
14 granted with evidence of successful passage of a Canadian  
15 provincial competency examination.

16     *e.* Provides evidence that the applicant is of good ethical  
17 and professional reputation. An applicant shall not have had  
18 a license to practice naturopathic medicine or other health  
19 care license, registration, or certificate refused, revoked,  
20 or suspended by this state or any other jurisdiction for  
21 reasons that relate to the applicant's ability to skillfully  
22 and safely practice naturopathic medicine unless that license,  
23 registration, or certification has been restored to good  
24 standing.

25     *f.* Provides evidence that the applicant is physically and  
26 mentally capable of safely practicing naturopathic medicine  
27 with or without reasonable accommodation.

28     2. *Term of license.* A license granted pursuant to this  
29 section shall be renewed every two years.

30     Sec. 9. NEW SECTION. 148G.3 Use of title — exceptions.

31     1. A person shall not represent that the person is a  
32 naturopathic physician, a doctor of naturopathic medicine, a  
33 doctor of naturopathy, a naturopath, or as being otherwise  
34 authorized to practice naturopathic medicine in this state, or  
35 use the titles "N.D." or "N.M.D." or any other titles, words,

1 letters, abbreviations, or insignia indicating or implying that  
2 the individual is a licensed naturopathic physician unless  
3 the individual has been licensed as a naturopathic physician  
4 pursuant to this chapter without first obtaining from the board  
5 a license to practice naturopathic medicine pursuant to the  
6 provisions of this chapter.

7     2. The practice of naturopathic medicine by a naturopathic  
8 physician licensed pursuant to this chapter does not constitute  
9 the practice of medicine and surgery under chapter 148, the  
10 practice of osteopathic medicine and surgery under chapter 148,  
11 or the practice of nursing under chapter 152.

12     3. This chapter and chapter 147 do not prevent qualified  
13 members of other professions including but not limited  
14 to individuals licensed under chapter 148, 150, 150A, or  
15 152 from providing services consistent with the nature of  
16 naturopathic medicine, but these persons shall not use a title  
17 or description denoting that they are licensed naturopathic  
18 physicians.

19     Sec. 10. NEW SECTION. **148G.4 Duties of board.**

20     The board shall adopt rules consistent with this chapter,  
21 chapter 147, and as recommended by the naturopathic advisory  
22 council which are necessary for the performance of the board's  
23 duties.

24     Sec. 11. NEW SECTION. **148G.5 Naturopathic advisory council.**

25     1. A naturopathic advisory council is established,  
26 consisting of the following members, appointed by the governor:

27     a. Prior to July 1, 2016, four members who are naturopathic  
28 physicians who are residents of the state of Iowa and who are  
29 currently licensed in good standing in another state. On  
30 and after July 1, 2016, such members shall be naturopathic  
31 physicians licensed under this chapter.

32     b. One member who is a pharmacist licensed in Iowa.

33     c. One member who is a medical or osteopathic physician  
34 licensed in Iowa, who has expertise in integrative medicine.

35     d. One member representing the general public.

1       2. Members shall not receive per diem or expense payments.

2       3. Members shall serve two-year terms, and shall serve until  
3 their successors have been appointed.

4       4. The council shall select a chairperson from its  
5 membership.

6       Sec. 12. NEW SECTION. **148G.6 Council powers and duties.**

7       The naturopathic advisory council shall do all of the  
8 following:

9       1. Advise the board regarding standards for licensed  
10 naturopathic physicians.

11      2. Provide for distribution of information regarding  
12 licensed naturopathic physician standards.

13      3. Advise the board on enforcement issues.

14      4. Review applications for licensure and license renewal  
15 and recommend the granting or denial thereof.

16      5. Advise the board on issues related to receiving and  
17 investigating complaints, conducting hearings, and imposing  
18 disciplinary action in relation to complaints against licensed  
19 naturopathic physicians.

20      6. Review naturopathic education and training for and  
21 make specific recommendations to the board regarding the  
22 qualifications to practice naturopathic childbirth attendance.

23      7. Recommend to the board any prescription drugs which  
24 should be included on the exclusionary naturopathic formulary.

25      8. Advise the board regarding approval of continuing  
26 education programs specific to naturopathic practice.

27      Sec. 13. NEW SECTION. **148G.7 Scope of practice.**

28      A naturopathic physician may do any of the following:

29      1. Order and perform physical and laboratory examinations  
30 consistent with naturopathic education and training for  
31 diagnostic purposes, including but not limited to phlebotomy,  
32 clinical laboratory tests, orificial examinations, and  
33 physiological function tests.

34      2. Order diagnostic imaging studies consistent with  
35 naturopathic training. All diagnostic tests not consistent



1 with naturopathic medical education and training must be  
2 referred for performance and interpretation to an appropriately  
3 licensed health care professional.

4 3. Dispense, administer, order, and prescribe, provide, or  
5 perform the following, as applicable:

6 a. Food, extracts of food, nutraceuticals, vitamins, amino  
7 acids, minerals, enzymes, botanicals and their extracts,  
8 botanical medicines, homeopathic medicines, and all dietary  
9 supplements and nonprescription drugs as defined by the federal  
10 Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq.

11 b. Prescription or legend drugs and hormonal replacement.

12 c. Hot or cold hydrotherapy, naturopathic physical medicine,  
13 and therapeutic exercise.

14 d. Devices, including but not limited to therapeutic  
15 devices, barrier contraception, and durable medical equipment.

16 e. Health education and health counseling.

17 f. Repair and care incidental to superficial lacerations and  
18 abrasions.

19 g. Removal of foreign bodies located in the superficial  
20 tissues.

21 h. Musculoskeletal manipulation consistent with  
22 naturopathic education and training.

23 4. Utilize routes of administration that include oral,  
24 nasal, auricular, ocular, rectal, vaginal, transdermal,  
25 intradermal, subcutaneous, intravenous, and intramuscular  
26 consistent with the education and training of a naturopathic  
27 physician.

28 5. Perform all therapies as trained and educated, which are  
29 approved by the naturopathic advisory council.

30 Sec. 14. NEW SECTION. 148G.8 Prohibitions.

31 A naturopathic physician licensed under this chapter shall  
32 not do any of the following:

33 1. Perform or induce abortions.

34 2. Perform surgical procedures except those minor office  
35 procedures authorized by this chapter.

1     3. Practice or claim to practice as a medical or osteopathic  
2 physician, dentist, pharmacist, podiatrist, optometrist,  
3 psychologist, advanced practice registered nurse, physician  
4 assistant, chiropractor, physical therapist, acupuncturist, or  
5 any other health care provider not authorized in this chapter  
6 unless licensed by the state of Iowa as such.

7     4. Use general or spinal anesthetics.

8     5. Administer ionizing radioactive substances for  
9 therapeutic purposes.

10    6. Administer or prescribe chemotherapeutic medications for  
11 the purpose of cancer treatment.

12    7. Perform surgical procedures of the eye, ear, nerves,  
13 veins, or arteries extending beyond superficial tissue.

14    Sec. 15. NEW SECTION. 148G.9 Exemptions.

15    Nothing in this chapter shall be construed to prohibit or  
16 restrict:

17    1. The practice of a profession by an individual who is  
18 licensed, certified, or registered under another law of this  
19 state who is performing services within the individual's  
20 authorized scope of practice.

21    2. The practice of naturopathic medicine by an individual  
22 employed by the government of the United States while the  
23 individual is engaged in the performance of duties prescribed  
24 by the laws and regulations of the United States.

25    3. The practice of naturopathic medicine by students  
26 enrolled in an approved naturopathic medical program. The  
27 performance of services shall be pursuant to a course of  
28 instruction or assignments from an instructor and under the  
29 supervision of the instructor. The instructor shall be a  
30 naturopathic physician licensed pursuant to this chapter or a  
31 duly licensed professional in the instructed field.

32    4. Persons from treating themselves and family members  
33 based on religious or health beliefs.

34    5. Persons who sell vitamins and herbs from providing  
35 information about their products.

6. Persons or practitioners from advising in the use of a therapy including but not limited to herbal medicine, homeopathy, nutrition, or other nondrug or nonsurgical therapy that is within the scope of practice of naturopathic physicians as provided in this chapter as long as such therapy is lawful, or, if a licensed health care provider, within the scope of practice of the profession; and provided that such person is not using a title protected pursuant to this chapter or holding themselves out to be a naturopathic physician.

7. The practice of naturopathic medicine by persons who are licensed to practice in any other state as practicing naturopathic physicians, who enter this state to consult with a licensed naturopathic physician in this state; provided, however, that the consultation is to be limited to examination, recommendation, or testimony in litigation.

16       Sec. 16.   FUNDING.   The board of medicine shall apply  
17 to the department of administrative services to request an  
18 allocation of moneys from the IowAccess revolving fund to fund  
19 the estimated costs for expansion of the advanced Maryland  
20 automatic network disk archiver (AMANDA) system to allow  
21 licensure of naturopathic physicians in the AMANDA system.  
22 The board shall not implement a fee increase to make this  
23 adjustment to the AMANDA system for naturopathic physicians.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill requires the licensing of naturopathic physicians  
28 and makes the provisions of Code chapter 147, including  
29 penalty and other regulatory provisions, applicable to other  
30 health professions applicable to the practice of naturopathic  
31 medicine. The bill provides that the practice of naturopathic  
32 medicine means the provision of naturopathic services defined  
33 as a system of primary health care for the prevention,  
34 diagnosis, and treatment of human health conditions, injury,  
35 and disease, and the promotion or restoration of health.

1 Naturopathic medicine includes the use of physiological,  
2 psychological, or mechanical methods, and the use of natural  
3 medicines, prescription or legend drugs, foods, herbs, or  
4 other natural remedies. The bill specifies qualifications  
5 for licensure and the scope of practice for a naturopathic  
6 physician, and details functions that a naturopathic physician  
7 may not perform.

8 The practice of naturopathic medicine is regulated by the  
9 board of medicine, with the advice of a naturopathic advisory  
10 council. The council consists of seven members, four of  
11 whom are naturopathic physicians, one medical or osteopathic  
12 physician, a pharmacist, and one member representing the  
13 general public. The council does not receive a per diem or  
14 expenses.

15 The bill provides that qualified members of other  
16 professions, including physicians and nurses, are not prevented  
17 from providing services consistent with naturopathic medicine,  
18 but these persons shall not use a title or description denoting  
19 that they are naturopathic physicians. The bill sets out these  
20 titles.

21 The bill provides for inclusion of licensed naturopathic  
22 physicians in the AMANDA system. This system is a network  
23 disk archiver system currently used by the boards of nursing,  
24 dentistry, and medicine.

25 Code section 422.7(27) provides an income tax exemption for  
26 payments received by an individual providing unskilled in-home  
27 health-related care services to a member of the individual  
28 caregiver's family. This exemption is not available to health  
29 care professionals licensed by the board of medicine. Under  
30 the bill, naturopathic physicians are to be licensed by the  
31 board of medicine, making them ineligible for this exemption.